

Notice of Allowability

Application No.

09/764,561

Applicant(s)

GLENN ET AL.

Examiner

Art Unit

Humera N. Sheikh

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 June 2005.
2. ☒ The allowed claim(s) is/are 1, 3-9, 12-15, 22-25, 41 and 42.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/6/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of the Application

Receipt of the Amendment after Non-Final Office Action and Applicant's Arguments/Remarks, both filed 06/29/05 is acknowledged.

Claims 1, 3-9, 12-15, 22-25, 41 and 42 are pending. Claims 28-40 and 43 have been cancelled by virtue of the amendment filed 06/29/05.

Allowable Subject Matter

Claims 1, 3-9, 12-15, 22-25, 41 and 42 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that the prior art (Gough *et al.* USPN 5,525,332 & Deppert *et al.* USPN 5,087,733) do not disclose nor fairly suggest a specific surfactant system as claimed comprising an anhydrous liquid emulsifiable concentrate of a reactive agent comprising a combination of a C₈-C₁₆ alkyl ethoxylate with two to seven ethoxylates with a dispersing aide selected from one or more of a C₅-C₁₀ alcohol and do not teach or suggest an anhydrous liquid emulsifiable concentrate of a reactive agent that self-emulsifies or spontaneously emulsifies upon dilution with water or a separate aqueous composition, to form an aqueous micro- or macro-emulsion either immediately prior to or simultaneous to application to a substrate. The specific surfactant system instantly claimed is an improvement over prior art formulations because the

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instant surfactant system enables the anhydrous liquid emulsifiable concentrate to achieve low interfacial tension, self/spontaneous emulsification. Such low energy emulsification with minimal or no agitation by the consumer, is achieved by the inclusion of a specialized surfactant system with the specified dispersing aide within the liquid concentrate that achieves ultra-low interfacial tension. The reactive agent is able to retain its chemical stability within the anhydrous formulation during the shelf life of the product. Thus, in view of these improvements and the deficiencies of the prior art, the instant invention is rendered non-obvious and patentable over the cited art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday through Friday from 8:00A.M. to 5:30P.M., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H. N. Sheikh *H.N.S.*

Patent Examiner

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July 08, 2005

Thorman K. Page
THORMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER